

Bench & Bar

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Emeritus Council of the Illinois Judges Association

By *Justice Lloyd A. Karmeier (ret.)*

There may be times when judges are entitled to be justly criticized by the media. There are also times when they are not. What is a remedy for a judge who believes criticism by the media is unfair, unjust, or unwarranted and the judge is precluded from responding because the litigation or the proceeding before the judge is ongoing? How can a judge, who is deeply invested in the proceedings rationally determine whether the media criticism directed at him or her is unfair or is legitimate commentary?

While the Illinois Judges Association has long had a Criticism Response Committee, Judge Eileen O'Neill Burke, the immediate past president of the Illinois Judges Association, took this concept a step further. She and her fellow officers created a new council and launched a new program designed to help judges who believe they have been subjected to unfair criticism or media coverage. It is called the Emeritus Council.

In a recent article then President O'Neill Burke said of the Council:

(It) "is comprised of retired Appellate Justices, retired Chief Judges and retired Presiding Judges. These legal luminaries have agreed to serve the people of Illinois once again.

Illinois Judges who have been the subject of press comment may confer with these Emeritus Council judges and seek advice about how to respond or whether to respond at all. And there may be times when the discussion with the concerned judge will result in a determination that the criticism, if not justified, was at least fair commentary thus leading to a discussion of how to do better as a judge. In some cases, the Emeritus Counsel will issue a statement to the press. Every one of the Emeritus Counsel were extremely successful at this job. They are people who are trusted by judges and the entire legal community."

The goal of the Emeritus program is at least twofold: 1) to aid a judge who has been subjected to unfair comment or criticism to have someone respond on his or her behalf; 2) to help a judge deal with and correct any concerns that have resulted in legitimate critical commentary.

Seven recently retired Justice of the Illinois Supreme Court have been named as co-chairs of the Council. They are Justices Lloyd Karmeier, Thomas Kilbride, Robert Thomas, Rita Garman, Anne Burke, Michael Burke, and Robert Carter.

The real work of the Council is done by the retired judges from each appellate court district who have agreed to implement the program by being available to talk to, counsel, and take recommended action on behalf of a judge who seeks help in responding to criticism, whether fair or unfair and unjust. Following is a list of those volunteers by appellate court district:

1st District

Justices Mary Anne Mason, Gino Divito, James Epstein, Stuart Palmer, Warren Wolfson, Shelvin Louise Marie Hall, Robert Gordon and Judges Mose Jacobius, Stuart Nudelman, Grace Dickler, Sharon Sullivan, and Maureen Connors.

2d District

Judge Ray McKoski and Justice Robert Spence

3rd District

Judge Kathryn Creswell and Justice Thomas Callum

4th District

Justice Carol Pope

5th District

Justice Richard Goldenhersh and Judges Ron Spears, George Timberlake, and William Mudge

Current IJA President Justice David Overstreet supported the concept when it was introduced and has indicated his continuing support going forward.

The Emeritus Council can only be effective and useful if judges are made aware of this program and its goals. Accordingly, I would urge every chief judge to make this article available to every judge in his or her circuit so all judges will be informed about this program and have readily available the names of the volunteer Emeritus Council judges they may call upon for help.

I would further urge all active judges in Illinois to make themselves aware of who the Council judges are in his or her district. Contact information for the Council judges may be obtained from the Illinois Judges Association website at ija.org; 321 S. Plymouth Ct, Chicago, IL 60604; Phone: (312) 431-1283.

Judges should be ready to immediately refer any issue of perceived unfair or unjust criticism or commentary to that Council judge in his or her circuit or district who can then investigate and confer with the judge to determine the appropriate course of action-or inaction- on behalf of the judge.

The Illinois Judges Association encourages all judges to take advantage of this opportunity to have a reasoned response to unjust criticism and to benefit from Emeritus Council's suggested corrective action appropriate to avoid just criticism in the future.

Justice Lloyd A. Karmeier (ret)
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